

EXHIBIT D (PART 2)

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[1] **Roderick**
[2] A: It depends on the week.
[3] Q: Fair statement.
[4] Sometimes you will have fewer
[5] flashbacks?
[6] A: Sometimes I won't have it. I can go
[7] a day with not having anything, all of a sudden
[8] the next day it's like a recording getting
[9] replayed over and over again.
[10] Other times I may have a flashback.
[11] It depends on the day. It's not a week-by-week
[12] thing. It's just day by day.
[13] Q: There are times when you can go a
[14] string of several days without having flashbacks?
[15] A: At times, yes.
[16] Q: How many days have you gone without
[17] you having a flashback, a week, two weeks?
[18] A: Four or five days.
[19] Q: Do you have flashbacks more often at
[20] night or during daylight hours?
[21] A: If I'm sitting watching TV with my
[22] son at night, it's, I don't really get the chance
[23] to think about it because I think about him and
[24] what's going on.
[25] If I'm on the boat, it seems like

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[1] **Roderick**
[2] it's more active.
[3] Q: In what way?
[4] A: Just constantly going over it,
[5] constantly replaying it.
[6] Q: Does it negatively impact on your
[7] ability to do your work on board the boat?
[8] A: Do my work on the boat?
[9] Q: Yes.
[10] A: I get yelled at a lot more often now
[11] by my father.
[12] Q: Has your relationship with your
[13] father changed since the collision?
[14] A: In some aspects, yes. Others, no.
[15] Q: Tell me how it's changed.
[16] A: He is snappier.
[17] Q: In what way?
[18] A: He is quicker to snap now, doesn't
[19] take him as much.
[20] Q: What causes him to snap?
[21] And when you say he is snappier, we
[22] are talking about snapping at you or snapping at
[23] others?
[24] A: At me. I didn't empty the pot fast
[25] enough, I didn't slide the pot down the rail fast

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[1] **Roderick**
[2] enough.
[3] Q: What else?
[4] A: I'm not moving the rope fast enough,
[5] get the bait done, I'm not moving it.
[6] MR. HEALEY: How much more do
[7] you have? I think you can go on
[8] unlimited.
[9] MR. UNGER: I understand, Tom.
[10] Give me one second to chat
[11] with these gentlemen.
[12] MR. HEALEY: You do understand
[13] you can continue. I'm not suggesting
[14] to stop now. I have other reasons for
[15] suggesting it.
[16] MR. UNGER: Okay.
[17] (Whereupon, counsel confer off
[18] the record.)
[19] **BY MR. UNGER:**
[20] Q: I understand that you say you have
[21] flashbacks when you are working.
[22] But the question is do those
[23] flashbacks prevent you from doing your job on the
[24] boat?
[25] A: Do they prevent me? No.

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[1] **Roderick**
[2] Q: If you are having flashbacks in
[3] connection with this incident, why did you
[4] volunteer to go with Mike Stepski and his father
[5] and brother back to the very scene of the
[6] collision in order to recover the nets?
[7] A: At the initial time, I agreed to go
[8] fishing. Nothing had been said other than that.
[9] When we were out there fishing, he said, I thought
[10] he was joking.
[11] Q: Would you have gone along, had you
[12] known at the time, to go recover the nets and the
[13] debris was part of the plan?
[14] A: If I had known, I don't know.
[15] Q: Who introduced you to Dr. Small?
[16] A: Stevens and Healey. Ron Stevens and
[17] Tom Healey.
[18] Q: When was the first time that you
[19] contacted any attorney in connection with this
[20] case?
[21] A: I did not make the initial contact.
[22] Q: Tell me how the initial contact was
[23] made?
[24] A: If I recall, Mike had talked to Ron,
[25] who then put us in touch with Tom.

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[1] *Roderick*
[2] Q: And about when was this?
[3] A: A month afterwards.
[4] Q: Had you previously known attorney
[5] Stevens?
[6] A: I knew the law firm because my
[7] father has dealt with them.
[8] Q: But did you know him personally?
[9] A: No.
[10] Q: Has the doctor, Dr. Small, that is,
[11] discussed with you payment of her bill?
[12] A: Not that I can recall.
[13] Q: Is it unusual that a doctor would
[14] treat someone and not seek to be paid for her
[15] services?
[16] A: It was given as a reference. She
[17] didn't ask about payment. At that point in time I
[18] didn't ask.
[19] Q: Do you know if there is an agreement
[20] between the doctor and the attorneys that the
[21] doctor's bill will be paid?
[22] A: That I do not know.
[23] MR. UNGER: I think I will
[24] stop here.
[25] And I think Mr. Singleton had

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[1] *Roderick*
[2] one or three more questions.
[3] MR. SINGLETON: I just have
[4] one.
[5] MR. HEALEY: Go ahead.
[6] MR. SINGLETON: One series.
[7] REDIRECT EXAMINATION
[8] BY MR. SINGLETON:
[9] Q: When you were in the debris field,
[10] did you find an EPIRB, the vessel?
[11] A: Yes.
[12] Q: When you found it, what was the
[13] condition?
[14] A: The antenna had been broken off.
[15] Other than that, I'm not an electronics genius, it
[16] looked like it was working.
[17] Q: What was it doing? Describe how it
[18] appeared.
[19] A: There was a — honestly, I don't
[20] know. All I know is what I had heard from Mike
[21] and Ben and the raft.
[22] Q: When it was recovered, did you
[23] physically look at it or did you not pay attention
[24] to it?
[25] A: I looked at it briefly, the antenna

[1] *Roderick*
[2] had broken off.
[3] Q: Did you see a red light on it?
[4] A: No.
[5] Q: Did you see a flashing light on it?
[6] A: No.
[7] Q: If it were a flashing light, do you
[8] think you would remember seeing it?
[9] A: Yes.
[10] MR. SINGLETON: That's all.
[11] (Whereupon, at 3:55 o'clock
[12] p.m., the deposition was concluded.)
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CAPTION

[1]
[2]
[3]
[4] The Deposition of GEAL RODERICK, taken in the
[5] matter, on the date, and at the time and place set
[6] out on the title page hercof.
[7]
[8]
[9] It was requested that the deposition be taken by
[10] the reporter and that same be reduced to
[11] typewritten form.
[12]
[13]
[14] The Deponent will read and sign the transcript
[15] of said deposition.
[16]
[17]
[18]
[19]
[20]
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[22]
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[24]
[25]

GEAL RODERICK
November 10, 2006

STEPSKI v.
THE M/V NORASIA ALYA

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[1]
[2] CERTIFICATE
[3]
[4] STATE OF _____:
[5] COUNTY/CITY OF _____:
[6]
[7] Before me, this day, personally appeared
[8] GEAL RODERICK, who, being duly sworn, states
[9] that the foregoing transcript of his/her
[10] Deposition, taken in the matter, on the date, and
[11] at the time and place set out on the title page
[12] hereof, constitutes a true and accurate transcript
[13] of said deposition.
[14]
[15]
[16] GEAL RODERICK
[17]
[18]
SUBSCRIBED and SWORN to before me this _____
[19]
[20] day of _____, 2006, in the
[21] jurisdiction aforesaid.
[22]
[23]
[24] My Commission Expires _____ Notary Public
[25]

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[1]
[2] DEPOSITION ERRATA SHEET
[3] RE:
[4] FILE NO.
[5] CASE CAPTION: Stepski vs. NORASIA ALYA
[6] DEPONENT: GEAL RODERICK
[7] DEPOSITION DATE: November 10, 2006
[8]
[9] To the Reporter:
[10] I have read the entire transcript of my Deposition
[11] taken in the captioned matter or the same has been
[12] read to me. I request for the following changes
[13] be entered upon the record for the reasons
[14] indicated.
[15] I have signed my name to the Errata Sheet and the
[16] appropriate Certificate and authorize you to
[17] attach both to the original transcript.
[18]
[19]
[20]
[21]
[22]
[23]
[24] SIGNATURE: _____ DATE: _____
[25] GEAL RODERICK

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[1]
[2] CERTIFICATE
[3] STATE OF NEW YORK)
[4]) ss.
[5] COUNTY OF NEW YORK)
[6] I, ANNETTE FORBES, a Certified
[7] Shorthand (Stenotype) Reporter and
[8] Notary Public of the State of New
[9] York, do hereby certify that the
[10] foregoing Deposition, of the witness,
[11] GEAL RODERICK, taken at the time and
[12] place aforesaid, is a true and correct
[13] transcription of my shorthand notes.
[14] I further certify that I am
[15] neither counsel for nor related to any
[16] party to said action, nor in any wise
[17] interested in the result or outcome
[18] thereof.
[19] IN WITNESS WHEREOF, I have
[20] hereunto set my hand this 21st day of
[21] November, 2006.
[22]
[23]
[24] ANNETTE FORBES, CSR, RPR
[25]

Lawyer's Notes

THE M/V NORASIA ALYA

November 10, 2006

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Lawyer's Notes

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[1] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[2]
[3] MICHAEL STEPSKI, KIRSTEN
[4] STEPSKI, Wife, GEAL
RODERICK and BENJAMIN
[5] SCHOBER, :
[6] Plaintiffs, :
[7] -versus- : No. 06 CV 01694
(CM)
[8] The M/V NORASIA ALYA, her
owners, operators, etc., VOL. II
[9] and MS "ALENA"
SCHIFFAHRTSGESELLSCHAFT
[10] mbH & CO. KG, PETER
DOEHLE SCHIFFAHRTS-KG,
[11] Defendants. :
[12]
[13]
[14]
[15] Continued deposition of GEAL
[16] RODERICK, taken by the Defendants at the law office of
[17] Stevens, Harris, Guernsey, Quilliam, 351 Main Street,
[18] Niantic, Connecticut, before Jacqueline McCauley,
[19] RPR/CSR, a Notary Public in and for the State of
[20] Connecticut, on April 12, 2007, at 3:00 p.m.
[21]
[22]
[23]
[24]
[25]

[1] APPEARANCES:
[2] For the Plaintiffs.
[3] THOMAS H. HEALEY, ESQUIRE
17 Battery Place, Suite 605
New York, New York 10004
[4]
[5] -and-
[6] STEVENS, HARRIS, GUERNSEY, QUILLIAM
351 Main Street
Niantic, Connecticut 06357
[7] By: RONALD F. STEVENS, Esq., of Counsel
[8]
For the Defendants:
[9]
BLANK ROME LLP
[10] The Chrysler Building
405 Lexington Avenue
New York, New York 10005
[11] By: ALAN M. WEIGEL, Esq., of Counsel
[12]
-and-
[13]
FREEHILL, HOGAN & MAHAR, LLP
[14] 80 Pine Street
New York, New York 10006
[15] By: MICHAEL E. UNGER, Esq., of Counsel
[16]
[17]
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(1) GEAL RODERICK,
 (2) 289 Sandy Hollow Road, Mystic, Connecticut,
 (3) called as a witness, having been first duly
 (4) sworn by Jacqueline M. McCauley, a Notary
 (5) Public in and for the State of Connecticut,
 (6) was examined and testified as follows:
 (7) **MR. HEALEY:** Read and sign.
 (8) **DIRECT EXAMINATION**
 (9) **BY MR. WEIGEL:**
 (10) **Q:** Mr. Roderick, we were provided with your
 (11) income tax returns for the years 2000 through 2005,
 (12) and I'm going to show them to you. They're all
 (13) bundled separately, each return. I want you to
 (14) identify for us which of those returns include income
 (15) which you received for fishing as a commercial
 (16) fisherman.
 (17) **A:** With Mike or in commercial fishing in
 (18) general?
 (19) **Q:** Commercial fishing in general.
 (20) **A:** All years.
 (21) **Q:** So you worked as a commercial fisherman,
 (22) and reported income as a commercial fisherman for all
 (23) those years?
 (24) **A:** Yes.
 (25) **Q:** So in 2002 what was your income that you

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(1) received as a commercial fisherman?
 (2) **A:** There's both incomes in general. I also
 (3) worked part-time.
 (4) **Q:** Worked part-time as what?
 (5) **A:** Mechanic.
 (6) **Q:** So in 2000 you had income as a commercial
 (7) fisherman and as a mechanic?
 (8) **A:** Yes.
 (9) **Q:** What was your income from commercial
 (10) fishing in 2000?
 (11) **MR. HEALEY:** First of all, the
 (12) question didn't ask you to read this. Do you know,
 (13) can you answer without referring to this?
 (14) **Q:** What was your income in 2000 as a
 (15) commercial fisherman?
 (16) **A:** That I couldn't tell you without looking.
 (17) **Q:** Can you look at your income tax return
 (18) from the year 2000, and tell how much your income was
 (19) as a commercial fisherman?
 (20) **A:** If I had the actual W-2s.
 (21) **Q:** Well, I mean, whatever package is in front
 (22) of you there, would you look at that, and see if
 (23) there's anything in there that would indicate how much
 (24) of your income was as a commercial fisherman?
 (25) **A:** Yeah.

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(1) **MR. HEALEY:** Go off the record.
 (2) (Whereupon, there was a discussion
 (3) off the record.)
 (4) **A:** Occupation is put down as fisherman so
 (5)
 (6) **Q:** I'm not sure you understand my question.
 (7) All I would like to know is can you tell from looking
 (8) at your income tax return from the year 2000 how much
 (9) of your income for that year was derived as a
 (10) commercial fisherman?
 (11) **A:** Can I be honest? I don't do my taxes.
 (12) **Q:** That's still not answering my question.
 (13) Can you tell from looking at your income tax return
 (14) how much of your income in 2000 was derived as a
 (15) commercial fisherman?
 (16) **A:** The first part of this is my commercial
 (17) side from fishing, yes.
 (18) **Q:** What's that number? How much of your
 (19) income is as a commercial fisherman?
 (20) **A:** \$14,052.
 (21) **Q:** All right. How about for the other years,
 (22) for the year 2001 through 2005, I think is what we
 (23) have there? Can you tell us what your income was in
 (24) each one of those years as a commercial fisherman?
 (25) **MR. HEALEY:** What year?

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(1) **A:** 2001, \$13,400; 2002 is \$11,400; 2003 is
 (2) \$17,500; 2004 — this is where it gets tricky.
 (3) **Q:** You were looking at 2004. You were trying
 (4) to figure out what your income was for fishing in
 (5) 2004. Do you know what that was?
 (6) **A:** This here's combined.
 (7) **MR. HEALEY:** Can you — it's simple.
 (8) Can you tell us — distinguish fishing income from
 (9) other income looking at your 2004 return.
 (10) **A:** On this one, no.
 (11) **Q:** I would ask that you please provide your
 (12) attorney with that figure, how much of your income for
 (13) 2004 was derived from commercial fishing. How about
 (14) 2005? Can you look at your income tax return for
 (15) 2005, and answer the question how much of your income
 (16) in 2005 was from commercial fishing?
 (17) **A:** Same thing; it's combined.
 (18) **MR. HEALEY:** Same request?
 (19) **MR. WEIGEL:** Same request for 2005.
 (20) Now, Mr. Roderick — let's do this. Let me have all
 (21) these, and I am going to ask the court reporter to
 (22) take a moment, and mark the income tax returns for
 (23) Mr. Roderick for the years 2000 through 2005, 39, 40,
 (24) 41, 42, 43 and 44.
 (25) (Defendant's Exhibits 39 through 44,

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[1] marked for identification.)
[2] (Whereupon, there was a brief
[3] recess.)
[4] Q: Mr. Roderick, you just left the room to
[5] consult with your attorney outside?
[6] A: Uh-huh.
[7] Q: Can I ask you what you just discussed,
[8] please?
[9] MR. HEALEY: I don't think you can
[10] ask him. He spoke to Mr. Stevens. He didn't speak to
[11] me and maybe these people — if it was something —
[12] but that's his attorney, too. You know, you can't ask
[13] him —
[14] MR. WEIGEL: Actually, he's under
[15] oath, being questioned. While he's under oath being
[16] questioned he's either — anything he talks to his
[17] attorney about, whether it's in the room or outside
[18] the room, is liable to discovery.
[19] MR. HEALEY: No, no, that's not
[20] correct. I don't know if they have anything or I
[21] don't know if they say anything, but I know no more
[22] than you on what took place.
[23] MR. WEIGEL: I understand that.
[24] MR. HEALEY: But I cannot tell
[25] somebody, these two people. I can't tell somebody

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[1] that you have no privilege. You know that. You're
[2] putting me in a spot. I can't do anything like that.
[3] I do not believe the privilege in talking to his
[4] attorney is waived, and you're putting me in a
[5] difficult spot that I should act on behalf of these
[6] two. I can't do — I cannot allow that and maybe talk
[7] to Mr. Stevens.
[8] MR. WEIGEL: I'm asking the witness.
[9] I'm not asking Mr. Stevens. I'm asking the witness.
[10] If Mr. Stevens has an objection, he can put it on the
[11] record, but I'm asking the witness what you just
[12] discussed with your attorney while you were under
[13] oath.
[14] MR. STEVENS: I would put an
[15] objection on the record, attorney/client privilege.
[16] MR. WEIGEL: Okay. Well, then I'm
[17] going to ask you seek a protective order otherwise I'm
[18] going to ask that he — otherwise I'm going to insist
[19] he answers that question.
[20] MR. HEALEY: That's all right. I
[21] think the thing to do is if you want to complete your
[22] deposition, and reserve your rights on that point.
[23] Q: Okay. Mr. Roderick, had you ever been
[24] scalloping with Mr. Stepski?
[25] A: Never had the chance to.

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[1] Q: Have you ever been scalloping with anybody
[2] else?
[3] A: No.
[4] Q: I'm going to show you a document, which
[5] we've marked as Exhibit 37, and ask if you've seen a
[6] copy of that document before.
[7] A: As of what — what yearly income was end
[8] of the year?
[9] MR. HEALEY: Listen to the question.
[10] Q: I'm asking you have you ever seen a copy
[11] of that document before?
[12] A: Yes. She discussed it with me.
[13] Q: Who is she?
[14] A: Kirsten.
[15] Q: And when did Kirsten show you a copy of
[16] this document?
[17] A: A while ago.
[18] Q: Do you recall specifically when she showed
[19] you a copy of the document?
[20] A: A year, 2 years ago.
[21] Q: What did she discuss with you when she
[22] showed you this document?
[23] A: This is what Mike was planning on doing.
[24] At the time I was just monking with him.
[25] Q: You were monkeying with him?

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[1] A: Monking. He was going to have me as a
[2] full-time crew.
[3] Q: And so, again, when Kirsten showed you
[4] this document, did she tell you what the purpose of
[5] this document was?
[6] A: Just projected lost income.
[7] Q: It was projected lost income for — why
[8] was she projecting lost income?
[9] A: We were — we were actually all asked to
[10] figure out how much we could have made being with
[11] prices what they were.
[12] Q: For what period of time did you understand
[13] you were being asked to indicate what you could have
[14] made?
[15] A: As far as?
[16] Q: What period of time did you understand
[17] this projected lost income statement was prepared for?
[18] A: In case.
[19] Q: In case of what?
[20] A: Questions or whatever.
[21] Q: I don't understand what you mean by
[22] questions.
[23] A: Same as a business plan; what do you plan
[24] on doing.
[25] Q: So, again, what period of time — I mean,

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(1) was this lost income of \$52,264, which it states at
(2) the bottom of this, was this lost income for starting
(3) from when and ending when?
(4) A: It was projected for a year.
(5) Q: Do you know what the start date and end
(6) date of that year period was?
(7) A: Probably the same as the tax season, which
(8) is what January to the following year, for a year.
(9) Q: And for what year?
(10) A: It would be '03.
(11) Q: So you believe this is the projected lost
(12) income statement, income that you lost in the year
(13) 2003, is that your testimony?
(14) A: Working for Mike, yes.
(15) Q: Why would you have lost income in the year
(16) 2003?
(17) A: The boat was sunk.
(18) Q: Wasn't the boat sunk in 2004?
(19) A: Well, I know it was 3 years ago May, so 3
(20) years ago this is what the projected income was
(21) established, was set at.
(22) Q: And so you believe — is this projected
(23) lost income? How is this projected lost income
(24) related to the accident?
(25) A: If the boat wasn't hit or sunk, this is an

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(1) income that they — if the maximum quotas were met on
(2) all trips, and the prices stayed high, this is money I
(3) could have made.
(4) Q: After the accident — did you work as a
(5) commercial fisherman after the accident?
(6) A: With my father, yes.
(7) Q: Did you receive an income when you were
(8) working for your father?
(9) A: Yes.
(10) Q: And how much income did you receive from
(11) your father in the period of time after the accident
(12) say to the end of the year 2004?
(13) A: Off the top of my head I don't know. I
(14) was paid per day.
(15) Q: Were you paid the same amount per day or
(16) did it depend on the catch?
(17) A: Days we did really good, I would make a
(18) little more; days I didn't do good, I made minimum.
(19) Q: What was the minimum?
(20) A: \$100.
(21) Q: So your father paid you \$100 per day for
(22) the days you went out?
(23) A: Yes.
(24) Q: When did you start working for your father
(25) after the accident, how soon after the accident?

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(1) A: The following weekend. I got dragged.
(2) Q: How often did you go out fishing with your
(3) father?
(4) MR. HEALEY: This has all been
(5) covered.
(6) MR. WEIGEL: This is going to be —
(7) I'm just trying to get some idea of the total income.
(8) MR. HEALEY: All right. But you do
(9) agree with me.
(10) Q: As I say, with Kirsten there may be a
(11) little overlap, but we're asking these questions in
(12) conjunction with the loss of income, so I'm trying to
(13) understand how many times you went out with your
(14) father, and how many times you got paid say, you know
(15)
(16) A: My father was willing to work with me
(17) fishing with Mike, so if I was to go fishing with
(18) Mike, he would say, okay, no problem. My father
(19) typically fishes 4 days a week and that's it.
(20) Q: So you started say the end of May sometime
(21) working for your father, and you may have gone out
(22) four times a week with him unless you were going out
(23) with Mike?
(24) A: Yeah.
(25) Q: During that summer did you go out with

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(1) Mike fishing? Did you go out fishing with Mike?
(2) A: Would I have?
(3) Q: Did you go out fishing with Mike that
(4) summer in 2004 after the accident.
(5) A: A year later, yeah.
(6) Q: In the summer of 2004 in July and August
(7) of 2004 did you fish with Mike Stepski?
(8) A: I didn't go fishing with him until a year
(9) later again.
(10) Q: So you didn't fish with him until 2005?
(11) A: Yeah.
(12) Q: So the only income you had as a fisherman
(13) during the remainder of 2004 after the accident was
(14) working for your father?
(15) A: Yes.
(16) Q: And your father went four times a week,
(17) and you got as a minimum \$100 for each trip?
(18) A: Yes.
(19) Q: And you started approximately the last
(20) week in May, and did you do it four times a week for
(21) the rest of the week or did you stop at some point
(22) during the year?
(23) A: We fished right up til January.
(24) Q: So the whole rest of the year?
(25) A: Weather permitting.

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[1] Q: Weather permitting. How many times do you
[2] think on a weekly basis would you not do those four
[3] times a week? I mean, how many weeks in that
[4] remainder of the year would you not do four times a
[5] week?

[6] A: Days Mike would call.

[7] Q: Well, you weren't fishing with Mike that
[8] year.

[9] A: Yeah.

[10] Q: You were fishing with your father, right?

[11] A: Yeah.

[12] Q: And you said your father would go, weather
[13] permitting, —

[14] A: Yes.

[15] Q: — on average four times a week?

[16] A: I would say four times.

[17] Q: Were there weeks when you didn't go four
[18] times a week, because the weather was too bad?

[19] A: No. We would go a different day my father
[20] wishes, Friday to Monday; and if weather was bad on
[21] Monday, we would fish Tuesday.

[22] Q: So you always go four times a week; it
[23] just wouldn't be the same four days?

[24] A: Yes.

[25] Q: So you were making as a minimum \$400 a

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[1] week for the remainder of the year for the week after
[2] the accident until December 31?

[3] A: Yeah.

[4] Q: Can we talk to you outside?

[5] MR. HEALEY: Surely.

[6] (Whereupon, there was a brief
[7] recess.)

[8] MR. HEALEY: We're all done. I have
[9] to go down, talk to these fellows.

[10] MR. WEIGEL: He has more questions
[11] but I don't.

[12] MR. HEALEY: If you've got a couple
[13] more —

[14] Q: We should mention on the record that
[15] Mr. Roderick was in an automobile accident this
[16] afternoon, and is a little shaken up so ...

[17] A: Horrible.

[18] Q: What's horrible? You're horribly shaken
[19] up.

[20] MR. HEALEY: So everybody
[21] understands so ... Geal, I know it's hard, but try to
[22] relax. These people are trying to make it as easy for
[23] you as they can, all right?

[24] A: All right.

[25] CROSS-EXAMINATION

BY MR. UNGER:

[1] Q: I'm going to try and take your mind off
[2] what happened out in the parking lot by asking you
[3] some questions, okay? As Attorney Healey said, I'm
[4] not trying to trick you. If you don't understand my
[5] questions, just let me know, okay? I'm just trying to
[6] fill in some blanks in terms of my knowledge as to
[7] what happened in connection with the sinking. Last
[8] time we got together back in November of last year I
[9] had asked you a few questions about Dr. Small. I want
[10] to get into it a little bit more about what went on
[11] with Dr. Small, all right?

[12] A: Okay.

[13] Q: You told me last time you saw her maybe 6
[14] to 12 times, and I'm just going to ask you a little
[15] bit more about what happened during those visits,
[16] okay?

[17] A: Okay.

[18] Q: According to Dr. Small's notes you first
[19] met with her on July 19, 2004?

[20] A: Okay.

[21] Q: Do you remember meeting with her the first
[22] time?

[23] A: Do I remember going to see her? Yes, I
[24] remember talking to her.

[1] Q: You met her in her office?

[2] A: Yeah, down in the East Lyme area.

[3] MR. HEALEY: Yes, just ...

[4] Q: Did you tell her what happened on May 22?

[5] A: Yes.

[6] Q: And she was already treating Michael
[7] before you became a patient, correct?

[8] A: I believe so. I'm not sure.

[9] Q: In addition to telling her about the
[10] accident, did you tell her about the other things that
[11] were going on in your life?

[12] A: Between me and the ex-girlfriend, yes.

[13] Q: Off the record.

[14] (Whereupon, there was a discussion
[15] off the record.)

[16] Q: So you talked about the ex-girlfriend.
[17] You talk about anything else?

[18] A: We talked about a little bit about the
[19] accident and reactions, and the comments at that point
[20] in time. She was my girlfriend, how she was talking
[21] and not dealing with it, how her reactions were, and
[22] how it was affecting us in regards to, you know,
[23] what's happened pretty much since the accident.

[24] Q: And this is Ms. Green we are talking
[25] about?

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(1) A: Yeah.
(2) MR. HEALEY: Just answer; no smart
(3) stuff I've told you, you understand? It's too
(4) serious. The relationship between you — come on. I
(5) mean, if you can't answer it, don't. If you can't
(6) answer it, honestly, but don't try to sass it off. It
(7) doesn't do you any good.
(8) A: Yes.
(9) Q: What specifically did you talk to or did
(10) you tell Dr. Small in terms of your relationship with
(11) Ms. Green?
(12) A: Since the accident it's pretty much the
(13) relationship starting to go downhill. Anytime we
(14) would all get together or anything, she would get all
(15) upset if it was me, and Mike would sit there, make
(16) small talk about it.
(17) Q: Well, specifically I want to concentrate
(18) on the first visit that you had with Dr. Small, okay?
(19) Did you tell her that on the first visit?
(20) A: Didn't tell her on the first visit.
(21) Q: Okay. What did you tell Dr. Small on the
(22) first visit about your relationship with Ms. Green?
(23) A: First relationship — first one is never
(24) really come up. It was more of what happened with the
(25) accident.

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(1) Q: What did you specifically tell Dr. Small
(2) about the accident?
(3) A: Basically the events, what had happened,
(4) the aftermath, what we were doing, you know, what
(5) happened after we had gotten hit.
(6) Q: On that first visit with Dr. Small did she
(7) suggest to you that she believed you had posttraumatic
(8) stress disorder?
(9) A: She hadn't said anything.
(10) Q: She wanted to see you again?
(11) A: Yes.
(12) Q: And she wanted you to come back for weekly
(13) visits?
(14) A: Yes.
(15) Q: Did she tell you what she intended to do
(16) during those weekly visits?
(17) A: No.
(18) Q: Did you tell her on that first visit that
(19) you were having trouble sleeping?
(20) A: Honestly, not that I recall.
(21) Q: Did you tell her that you were having bad
(22) dreams or nightmares?
(23) A: Did I tell her? I don't know, to be
(24) honest with you.
(25) Q: Did you tell her that you were having

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(1) thoughts about the accident on a frequent basis?
(2) A: That, yes.
(3) Q: How frequently were you having those
(4) thoughts?
(5) A: At that point in time and even now if I
(6) space off.
(7) Q: What do you mean by you space off?
(8) A: Daydream; basically sit there; you just
(9) stair off into space at times.
(10) Q: How often does that happen to you?
(11) A: Now? Not often.
(12) Q: In the first month after the accident how
(13) often?
(14) A: Anytime I stopped doing something.
(15) Q: So if you were busy, you wouldn't think
(16) about it, but if you weren't busy, you thought about
(17) it sometimes?
(18) A: Yeah.
(19) Q: When you say that you don't have these
(20) spacing off moments very frequently now, how often do
(21) you have them in terms of daily, weekly, monthly? How
(22) can you best describe it?
(23) A: Honestly, usually toward the end of the
(24) day.
(25) Q: On a daily basis?

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(1) A: Sometimes, yes, sometimes, no.
(2) Q: Once or twice a week? More often?
(3) A: Sometimes three or more.
(4) MR. HEALEY: You have covered this.
(5) No, no, you have, but I think part of it was — it's
(6) not exact, Mike.
(7) MR. UNGER: I understand.
(8) MR. HEALEY: Okay, okay.
(9) Q: These space out moments that you have less
(10) frequent now than they were after the accident; is
(11) that a fair statement?
(12) A: Sometimes, yes, sometimes, no.
(13) Q: Did you tell Dr. Small on that first visit
(14) that you had gone back to fishing with your father?
(15) A: I don't believe so.
(16) Q: Did you discuss with Dr. Small the types
(17) of things that trigger you to have memories of the
(18) accident?
(19) A: Not that I recall, in all honesty.
(20) Q: What types of things do trigger you to
(21) have memories of the accident?
(22) A: Alarm; big thing is the fog. Other than
(23) that, discussing about it in detail.
(24) Q: So when you would meet with the attorneys
(25) or you would meet with Mike and Kirsten socially, and

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[1] the topic would come up, you would think about it more
[2] following those discussions?
[3] A: Yeah. The worst one was after we met in
[4] New York.
[5] Q: Your deposition in November?
[6] A: Yes.
[7] Q: We'll get to that. Have you been out
[8] fishing in the fog?
[9] A: Yeah.
[10] Q: Did you have problems because of the fog?
[11] A: I didn't notice it, but I got smacked
[12] upside the back of the head, so probably, yes.
[13] Q: By your father?
[14] A: Yes.
[15] Q: And why was that?
[16] A: I don't know, to be honest with you.
[17] Q: Do you continue to fish with your father?
[18] A: Yeah.
[19] Q: Still four times a week?
[20] A: We're starting in about another week and a
[21] half. We fish like April, beginning to end of April
[22] right down to the first of the New Year.
[23] Q: So you have an Allied Snow Plowing
[24] sweatshirt on?
[25] A: Yes.

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[1] Q: You work for Allied?
[2] A: In the wintertime, yes, and I work
[3] part-time in the summer.
[4] Q: For Allied as well?
[5] A: Yes.
[6] Q: What does Allied Snow Plowing do in the
[7] summer?
[8] A: I actually work on heavy equipment.
[9] Q: Repairing the equipment?
[10] A: Repairing; jack of all trades, master of
[11] none.
[12] Q: Your son was born only a short time after
[13] the accident, correct?
[14] A: Yes.
[15] Q: And Ms. Green, refresh my recollection,
[16] was she living with you at the time?
[17] A: At that point in time, no.
[18] Q: She's divorced, correct?
[19] A: Yes.
[20] Q: At that time was she divorced?
[21] A: Yes.
[22] Q: But there was still an element of the
[23] ex-husband being involved?
[24] A: Yes.
[25] Q: And does that create a lot of stress for

[1] you and her?
[2] A: A lot of it. Then it was a little bit of
[3] stress, but now it's not even him.
[4] Q: Most of the problems in your relationship
[5] you attribute to Ms. Green?
[6] A: Yeah.
[7] Q: Is she still living with you?
[8] A: Unfortunately, yes.
[9] Q: And the child —
[10] MR. HEALEY: Just answer yes or no.
[11] I understand your feelings, but I've told you, right?
[12] You don't have to put your feelings out there now on
[13] those things.
[14] MR. UNGER: You can slip her under
[15] the bus later.
[16] MR. HEALEY: There's a time and
[17] place for everything. Are you all right? Relax.
[18] Come on, let's not dig it too deep.
[19] Q: I'm trying not to, but is any part of your
[20] downfall in your relationship with Ms. Green
[21] attributable to the accident involving the Ava Claire?
[22] A: Back at that point in time, and still to
[23] today a big part of it is the accident.
[24] Q: What about the accident has affected your
[25] relationship with Ms. Green?

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[1] A: In all honesty I couldn't tell you. If I
[2] ask her, she won't tell me.
[3] Q: Before the accident were you two fighting?
[4] A: Here and there, yes.
[5] Q: What were the fights about?
[6] A: Needing to take care of my
[7] responsibilities.
[8] Q: Meaning what?
[9] A: My son.
[10] Q: Your son was born after the —
[11] A: Well, helping her getting stuff.
[12] Q: Preparing for the baby to come?
[13] A: Pretty much, in a nutshell.
[14] Q: Both physically helping to get ready or
[15] financial, both?
[16] A: The financial wasn't a problem. We
[17] weren't as close as we were in the beginning of her
[18] pregnancy.
[19] Q: What do you attribute the fact that you
[20] were not as close as she was nearing the end of her
[21] pregnancy as at the beginning?
[22] A: She had just gotten divorced, you know,
[23] like 2 weeks before and —
[24] Q: 2 weeks before what?
[25] A: She found out she was pregnant so ...

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(1) Q: Anything else?
(2) A: It was a little shocker then.
(3) Q: Anything else that you attribute the
(4) downfall in your relationship between the start of her
(5) pregnancy, and toward the end of her pregnancy?
(6) A: Occasional fights up until it simmered
(7) down, you know, simmered down. In May, beginning of
(8) May we were getting along real good. It was getting
(9) better. We were getting along then. Afterwards it
(10) was going downhill again.
(11) Q: After the baby was born?
(12) A: After the accident.
(13) Q: And she's never expressed to you what had
(14) changed in terms of your relationship or demeanor or
(15) feelings toward her or however you want to describe
(16) it?
(17) A: She did express one thing.
(18) Q: What was that?
(19) A: Pardon my French, I was an asshole.
(20) Q: What was that all about?
(21) A: She wouldn't say. She would just call me
(22) that, and leave it at that.
(23) Q: When did that take place?
(24) A: A little while after the accident.
(25) Q: Before the baby was born or after?

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(1) A: Before.
(2) Q: And after your son was born did your
(3) relationship continue to stay the same or did it
(4) change in some way?
(5) A: It was okay considering the circumstances.
(6) Q: The circumstances being?
(7) A: She still lived with her ex-husband.
(8) Q: When did she move in with you?
(9) A: He went to sea sometime in November. At
(10) that point in time we started staying together.
(11) Q: Is he a Merchant Marine?
(12) A: Navy.
(13) Q: In 2004, in the summer of 2004 after the
(14) accident did you attend the blessing of the fleet?
(15) A: Yes.
(16) Q: Is that something that you've gone to
(17) every year?
(18) A: 31 years.
(19) Q: And was there any adverse reaction to that
(20) on your behalf?
(21) A: It felt weird.
(22) Q: In what way?
(23) A: Different.
(24) Q: In what way?
(25) A: All my family was there. A lot of us

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(1) are — you know, a lot of my family is originally from
(2) Stonington so I was actually around a lot of family
(3) members. They were asking about it.
(4) Q: Asking about the accident?
(5) A: Asking about the accident.
(6) Q: Was it typical for the family members to
(7) attend the blessing of the fleet?
(8) A: Yeah.
(9) Q: Family tradition?
(10) A: Yes.
(11) Q: And did the fact that they were asking you
(12) about the accident cause you any difficulty?
(13) A: It bothered me, yes.
(14) Q: In what way?
(15) A: Crawl under a rock and stay there the rest
(16) of the day, be left alone.
(17) Q: You didn't want to discuss the accident in
(18) other words, is that fair?
(19) A: Yeah.
(20) Q: I'm not trying to put words in your mouth.
(21) MR. HEALEY: He said yes so move on.
(22) MR. WEIGEL: Have you been —
(23) MR. HEALEY: He's quite
(24) uncomfortable now, the record might show. The man is
(25) in pain. I would ask you don't repeat. If you can,

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(1) go on. There's a concern here.
(2) MR. UNGER: I don't think I am
(3) repeating anything, Tom.
(4) MR. HEALEY: Probably. I'm becoming
(5) concerned. Excuse me for saying that.
(6) Q: Have you attended the blessing of the
(7) fleet in 2005 and 2006?
(8) A: Yeah.
(9) Q: Did it get any better for you?
(10) A: Yeah, it's — my son — because my son was
(11) with me. Last year and the year before it was just,
(12) you know, she would go, I would go to the blessing
(13) with my son and my parents and ...
(14) Q: Have you done any kind of couples
(15) counseling with Ms. Green?
(16) A: We've actually just started.
(17) Q: Who are you seeing?
(18) A: The guy over on 184 in Mystic, in Groton.
(19) Q: What's his name?
(20) A: I don't even know. It's Shoreline
(21) Counseling.
(22) Q: How many visits have you had with them?
(23) A: Last week was the first week, and I'm
(24) supposed to be there at 4 today.
(25) Q: Oops.

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[1] MR. HEALEY: How long does it take
[2] you to get there?
[3] A: Depends, but I told him I had to meet with
[4] the attorneys today so he said okay.
[5] MR. HEALEY: Can you get over there
[6] a little later or you're not going?
[7] A: Let's finish this up.
[8] MR. HEALEY: We'll finish it and
[9] then go.
[10] Q: Are you to go with Ms. Green or do you see
[11] someone individually?
[12] A: We go together; court ordered.
[13] Q: Court ordered, okay. Tell me how that
[14] came about.
[15] A: Well, I'm actually going after custody of
[16] my son, and we had met with Attorney Page earlier this
[17] year.
[18] Q: What is the grounds for attempting to
[19] obtain custody of your son?
[20] A: The matter I really would not like to
[21] discuss.
[22] Q: Well, I'll leave it for now, but ...Are
[23] you seeing any other mental health professionals?
[24] A: No.
[25] Q: Have you seen Dr. Small since your

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[1] deposition in November?
[2] A: Since the deposition I saw her a couple
[3] times.
[4] Q: Why was that?
[5] A: To try to figure out what was going on
[6] with how I felt and everything.
[7] Q: Did participating in the deposition cause
[8] you to have any change in your mental outlook?
[9] A: Elaborate.
[10] Q: Did it cause any problems?
[11] A: That night it was just like a continuous
[12] play of what happened that day after the deposition.
[13] Q: The day of the accident?
[14] A: Yeah.
[15] Q: Okay. And was it your decision to go back
[16] to Dr. Small?
[17] A: That and recommended.
[18] Q: By whom?
[19] A: Attorney Stevens.
[20] Q: Have you seen anybody else?
[21] A: Not since Small.
[22] Q: And you saw Dr. Small twice in November of
[23] 2006?
[24] A: Yes.
[25] Q: Have you seen her since?

[1] A: No, not yet.
[2] Q: Do you have an appointment with her?
[3] A: Looking probably to reschedule, yes.
[4] Q: Have you had other appointments with her
[5] after November of 2006, which you did not keep?
[6] A: I got down there twice and made a third
[7] appointment. I ended up getting screwed up. I had to
[8] go pick up my son.
[9] Q: Did the visits with Dr. Small help you?
[10] A: A little bit, yes.
[11] Q: How did they help?
[12] A: Figure out exactly why it's bother — I'm
[13] trying to figure out why it's bothering me.
[14] Q: What is mainly bothering you?
[15] A: The fact at that point it just was
[16] continuously doing a replay.
[17] Q: Replay having been brought on, in your
[18] estimation, by having undergone the deposition, and
[19] meeting with the attorneys in preparation for the —
[20] deposition?
[21] A: Just after the deposition why did it all
[22] of — for awhile there it was, you know, very far and
[23] few between. Then affidavit, I believe the November 9
[24] meeting, that night it just went into continuous
[25] replay.

[1] Q: You had met with the attorneys, Attorney
[2] Stevens, Attorney Healey, and Attorney Gargan on a
[3] number of occasions before your deposition in
[4] November, correct?
[5] A: Throughout that time frame, yeah.
[6] Q: Well, since shortly after the accident up
[7] until November of 2006 there were maybe half a dozen
[8] meetings or so, correct?
[9] A: Uh-huh.
[10] Q: And in those meetings you had discussed
[11] the details of the accident with the attorneys,
[12] correct?
[13] A: We would discuss them, yes.
[14] Q: And Michael was there and sometimes Ben
[15] was there and Kirsten was there?
[16] A: Yes.
[17] Q: Did you have any difficulties similar to
[18] what you experienced after the deposition following
[19] any of the meetings with your counsel?
[20] A: Not that bad.
[21] Q: But is it your testimony that you did have
[22] problems that you attribute to having met with the
[23] attorneys, and the other plaintiffs in this case, and
[24] discussing the accident?
[25] A: I get the chills, you know, get that quick

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[1] chill. It would be like another one, but nothing as
[2] severe what happened in November.
[3] Q: Well, following any of the meetings with
[4] any of the attorneys did you have episodes of
[5] flashbacks or memories of the accident?
[6] A: Not nearly as bad.
[7] Q: When you say not nearly as bad, that
[8] indicates to me that you did have episodes of
[9] flashbacks or recollections of the accident; is that
[10] correct?
[11] A: Yes.
[12] Q: You have to answer verbally.
[13] A: Yes.
[14] Q: And is it because you were meeting with
[15] myself and Attorney Weigel and Attorney Singleton that
[16] you believe that you had more severe recollections of
[17] the accident, and more difficulty than when meeting
[18] with your attorneys?
[19] A: Getting questioned about it all day, yeah.
[20] Q: Was there anything going on in your
[21] personal life involving Ms. Green on or about the time
[22] of the deposition in terms of seeking custody or
[23] fights or anything along those lines?
[24] A: We really weren't speaking at that point
[25] in time.

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[1] Q: How long did that last?
[2] A: We were still just social and that's it or
[3] civil to each other.
[4] Q: When you met with Dr. Small following the
[5] deposition in November, did you also discuss with her
[6] your personal life in terms of your relationship?
[7] MR. HEALEY: Did he leave with her?
[8] I mean, did he say three times he — I don't know that
[9] he met with her.
[10] MR. UNGER: He met with her twice.
[11] MR. HEALEY: Did he?
[12] Q: Correct. You met with Dr. Small twice
[13] following the deposition?
[14] A: Yes.
[15] Q: On either of those occasions that you met
[16] with her did you discuss your personal situation with
[17] Ms. Green and your son?
[18] A: We may have gone over it briefly; not to
[19] an extent.
[20] Q: What was the bulk of the conversation that
[21] you had with Dr. Small on those visits in November of
[22] 2006?
[23] A: About the deposition, what had gone on.
[24] Q: And that was true for both visits or just
[25] one visit, and the second visit you discussed

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[1] something else?
[2] A: That I don't know. Can we —
[3] Q: You want to take a minute?
[4] A: Can we stop recording for a minute?
[5] Q: Sure.
[6] (Whereupon, there was a brief
[7] recess.)
[8] Q: In terms of your recent November visits
[9] with Dr. Small, is there anything else besides the
[10] deposition and your personal situation with Ms. Green
[11] that you discussed?
[12] A: I lost my train of thought there for a
[13] second.
[14] MR. HEALEY: You need the question
[15] again?
[16] A: Please.
[17] (Whereupon, the question was
[18] read back.)
[19] A: In the December visits, well, the November
[20] meetings was, as far as the discussion was on the
[21] deposition, what was discussed. She asked if it had
[22] gone into detail, and how it affected Ms. Green and
[23] myself, which at that point was kind of a dead issue,
[24] so to speak.
[25] Q: I'm not sure I follow. What do you mean

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[1] by that, it was a dead issue?
[2] A: Mine and Ms. Green. The situation between
[3] me and Ms. Green was at like a standstill. It was
[4] nothing. We weren't really talking at that point.
[5] Q: Do you consider your relationship with Ms.
[6] Green to be at an end now?
[7] A: Yes.
[8] Q: Is she still living with you?
[9] A: For now.
[10] Q: Arrangements are being made for her to
[11] live somewhere else?
[12] A: Yes. Well, that's kind of one of those
[13] trick questions.
[14] Q: I don't mean it to be a trick question.
[15] A: Technically I'm not supposed to know about
[16] any of it.
[17] Q: But the long and short of it is in the
[18] near future she will not be cohabitating with you?
[19] A: She wants to move out and leave.
[20] Q: Fair enough. Is there anything else that
[21] was discussed with Dr. Small in those November visits
[22] that we haven't talked about?
[23] A: Not that I recall other than probably
[24] discussing or talking about my son.
[25] Q: In terms of the discussions about your

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(1) son, did they have anything to do with the accident
(2) and its effect on you?
(3) A: Not that I recall.
(4) Q: Do you have insurance now that pays for
(5) your sessions with Dr. Small?
(6) A: I did find that out for you; yes. You had
(7) asked that in November.
(8) Q: And what is that health insurance?
(9) A: It's HealthNet.
(10) Q: And Dr. Small accepted payment by
(11) HealthNet for the November visits?
(12) A: Yes.
(13) Q: And presumably she would accept HealthNet
(14) payment for future visits?
(15) A: Yeah.
(16) Q: Had you — prior to the accident had you
(17) ever seen a psychologist, psychiatrist or mental
(18) health professional of any sort for treatment?
(19) A: A guidance counselor in school.
(20) Q: Other than the guidance counselor.
(21) A: No.
(22) Q: Did Dr. Small ever give you any kind of
(23) paperwork to fill out?
(24) A: Not that I recall.
(25) Q: She ever ask you to do any kinds of tests?

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(1) A: No.
(2) Q: Other than just discussing what was
(3) bothering you, did Dr. Small do anything else for you?
(4) A: No.
(5) Q: Did she ever refer you to see anybody
(6) else?
(7) A: No.
(8) Q: Are you presently having any difficulty
(9) sleeping?
(10) A: Some nights, yes.
(11) Q: How often do you experience difficulty
(12) sleeping?
(13) A: Right now with what's going on outside of
(14) this, two or three times a week.
(15) Q: Prior to the accident had you ever had
(16) problems sleeping?
(17) A: No.
(18) Q: Shortly after the accident did you have
(19) problems sleeping?
(20) A: After the accident, yes.
(21) Q: How frequently after the accident did you
(22) have difficulty?
(23) A: A couple nights here and there during the
(24) week.
(25) Q: Same as about now or more frequently, less

(1) frequently?
(2) A: More.
(3) Q: Did there come a time when your difficulty
(4) in sleeping became less prominent?
(5) A: Over the course of time it's gotten
(6) better.
(7) Q: When you had difficulty sleeping, describe
(8) it for me. Do you wake up in the middle of the night?
(9) Do you have trouble going to sleep? Something else?
(10) A: I'll have trouble, you know, sleeping,
(11) wake up in the middle of the night. I've been told at
(12) times it's like sleeping next to Mike Tyson.
(13) Q: Has the — other than what you've told us
(14) already, has the accident affected your employment in
(15) any other way?
(16) A: Can you clarify that?
(17) Q: Since the accident you've worked as a
(18) fisherman as much as you've worked as a fisherman
(19) prior to the accident, correct?
(20) A: Can I clarify that?
(21) Q: Sure.
(22) A: A couple years ago we had a die-off in the
(23) Sound.
(24) Q: Lobsters?
(25) A: Lobsters died and before that point I

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(1) fished all summer long every single day. Then after
(2) the die-off it slowly dropped out, so that was
(3) September, October. The following year with the way
(4) fishing was you end up spending more money going 7
(5) days. Since the die-off's been coming back — well,
(6) since the lobsters have been coming back it's been
(7) getting better and better.
(8) Q: Other than what Kirsten developed in terms
(9) of a claimed lost income statement, is that the
(10) totality of what you're saying you've lost as an
(11) economic opportunity due to the accident?
(12) A: Yes.
(13) Q: And in terms of your visits with Dr.
(14) Small, have you told us everything that you've
(15) discussed with Dr. Small both in 2004 and in 2006,
(16) November?
(17) A: Yes.
(18) Q: Has the accident affected your life in any
(19) other way, which you have not already described for
(20) us?
(21) A: Might have become a little antisocial.
(22) Q: Anything else?
(23) MR. HEALEY: I'll tell you you said
(24) a lot of things. He's not taking those away. You
(25) don't have to come up with something new if it doesn't

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(1) exist. So you've stated already and answered the
 (2) questions as best you know what your problems are,
 (3) right?

(4) **Q:** That's all I'm looking for.

(5) **A:** That's pretty much it.

(6) **MR. HEALEY:** Pretty much it, okay.

(7) **Q:** When you say you've become antisocial, can
 (8) you elaborate on that?

(9) **A:** Kind of withdrawn; don't talk to people as
 (10) much; not willing to go up to somebody to go, okay,
 (11) how are you doing.

(12) **Q:** Okay. Before the accident how would you
 (13) describe yourself?

(14) **A:** You know, I'd go hang out with friends,
 (15) relax.

(16) **Q:** Is that something you don't do now any
 (17) longer?

(18) **A:** When I do go out, I usually go out — I
 (19) only go with my son.

(20) **Q:** What kind of things do you do and your son
 (21) do now?

(22) **A:** Take him over to the playscape in the
 (23) Crystal Mall; let him run around like a chicken with
 (24) his head chopped off.

(25) **Q:** Sounds like a 2 and a half year old.

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(1) **A:** Last summer I bought this little
 (2) tow-behind trailer for a bike. I take him bike riding
 (3) with me.

(4) **Q:** You ever take him out on the boat?

(5) **A:** Yeah.

(6) **Q:** On your father's lobster boat?

(7) **A:** Yes, and I've also taken him on the
 (8) high-speed ferry out of New London.

(9) **Q:** Over to Long Island?

(10) **A:** Block Island.

(11) **Q:** Anything else that you do activity-wise
 (12) with him?

(13) **A:** Gone to Newport, Battleship Cove. He's
 (14) quite the world traveler already.

(15) (Whereupon, there was a discussion
 (16) off the record.)

(17) **Q:** Other than what we've already talked about
 (18) in response to all the other questions, is there any
 (19) other aspect of your life which you attribute a
 (20) change, a negative change related to the accident?

(21) **A:** Just a lot of flashbacks.

(22) **MR. HEALEY:** No, no, you don't have
 (23) to repeat. He's saying anything else aside from all --
 (24) these things you have related. Isn't that what you're
 (25) saying?

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(1) **MR. UNGER:** Yes. I just want to
 (2) make sure that we've talked about everything that --

(3) **MR. HEALEY:** If it would help you,
 (4) we've been listening. I think that you have, in
 (5) answer to his questions, testified pretty much to the
 (6) extent of the claim that's being made. Now, if you've
 (7) got a zinger there, tell us.

(8) **A:** No.

(9) **MR. HEALEY:** I think you've -- that
 (10) I think is the claim. I can represent that to you.

(11) **Q:** Okay. Well, thank you. I appreciate your
 (12) time.

(13) **A:** Okay.

(14) **MR. WEIGEL:** Thank you.

(15) (Whereupon, this deposition was
 (16) concluded at 4:32.)

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(1) I, GEAL RODERICK, have read the
 (2) foregoing transcript of the testimony given at my
 (3) deposition on April 12, 2007, and it is true and
 (4) accurate to the best of my knowledge and belief as
 (5) originally transcribed and/or with the changes as
 (6) noted on the attached Correction Sheet.

(7)

(8)

(9)

GEAL RODERICK

(10)

(11)

(12) SUBSCRIBED AND SWORN TO BEFORE ME,
 (13) the undersigned authority, on this
 (14) the day of , 2007.

(15)

(16)

(17)

(18) My commission expires:

(19)

(20)

(21)

(22)

(23)

(24)

(25)

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[1] CERTIFICATE

[2]
[3] I hereby certify that I am a Notary Public, in
[4] and for the State of Connecticut, duly commissioned
[5] and qualified to administer oaths.
[6] I further certify that the deponent named in
[7] the foregoing deposition was by me duly sworn and
[8] thereupon testified as appears in the foregoing
[9] deposition; that said deposition was taken by me
[10] stenographically in the presence of counsel and
[11] reduced to print under my direction, and the foregoing
[12] is a true and accurate transcript of the testimony.
[13] I further certify that I am neither of counsel
[14] nor related to either of the parties to said suit, nor
[15] am I interested in the outcome of said cause.
[16] Witness my hand and seal as Notary Public this
[17] _____ day of _____,
[18] 2007.
[19]

[20] NOTARY PUBLIC

[21] JACQUELINE McCAULEY

[22] My Commission Expires:

[23] MAY/2010

[24]
[25]

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Lawyer's Notes

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[1] **Roderick**
[2] your father a week after the collision?
[3] A: Long Island Sound.
[4] Q: Can you give a little bit more
[5] specific in terms of where in the Sound?
[6] A: Down towards the Race.
[7] MR. HEALEY: He is referring
[8] to Exhibit No. — what is it?
[9] THE WITNESS: No. 12. It's
[10] down by Race Rock. Me and my father
[11] fish all the way up to this area, from
[12] Race Rock to Milstone down to Plum
[13] Island.
[14] Q: Did you have any difficulties when
[15] you went out with your father a week afterwards?
[16] A: Yes.
[17] Q: Can you tell us what problems you
[18] had, if any?
[19] A: Constantly looking over my shoulder,
[20] tense.
[21] Q: Anything else?
[22] A: Went through three packs of
[23] cigarettes in four hours.
[24] Q: How many hours were you out there
[25] with your father that first time?

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[1] **Roderick**
[2] A: Four to five hours.
[3] Q: Did you drive the boat?
[4] A: At that point in time, no.
[5] Q: Were you able to assist him in
[6] pulling up the traps and taking out the catch?
[7] A: At that point in time, to the best
[8] that I could, yes. I spent more time getting
[9] yelled at.
[10] Q: Why was he yelling at you?
[11] A: In his eyes, I was paying more
[12] attention to the radar and everything else, what
[13] was going on around me instead of what was on the
[14] rail.
[15] Q: Instead of what was on the?
[16] A: Rail.
[17] Q: The rail?
[18] A: Yes.
[19] Q: What time of day was it that you
[20] were out with your father that first time?
[21] A: It was daylight.
[22] Q: How was the weather?
[23] A: Foggy.
[24] MR. HEALEY: Fine or foggy?
[25] THE WITNESS: Foggy.

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[1] **Roderick**
[2] Q: What was the visibility?
[3] A: Three-quarters of a mile.
[4] Q: Was there a lot of vessel traffic?
[5] A: Cross Sound ferry was operating as
[6] normal. Fisher's Island ferry was operating, some
[7] small boats.
[8] There were probably three of us out
[9] lobstering that day, three boats.
[10] Q: What is the name of your father's
[11] boat?
[12] A: STACY and GEAL II.
[13] Q: I think you mentioned before you own
[14] a boat?
[15] A: I don't own a boat, no. I fish with
[16] my father all the time.
[17] Q: Were there ever occasions when you
[18] went out by yourself on your father's boat prior
[19] to this incident?
[20] A: Prior to it, yes.
[21] Q: How about since?
[22] A: Not until recently.
[23] Q: How recently?
[24] A: A month or so ago.
[25] Q: Had you ever previously been injured

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[1] **Roderick**
[2] while working before May 22, 2004?
[3] A: Sliced my finger open on a skate. A
[4] cut every now and then, you cut or nick your
[5] finger. I've gotten bitten by lobsters.
[6] Other than that, nothing.
[7] Q: Had you ever had any injuries while
[8] not working prior to May 22, 2004 other than cuts
[9] and bruises and bumps?
[10] A: No.
[11] Typical cuts and bruises, skin the
[12] knee, things like that. Just normal childhood.
[13] Q: Have you ever been involved in an
[14] automobile accident?
[15] A: Two.
[16] Q: Tell me about the first one in time.
[17] A: '95, I think it was like February,
[18] slid on some sand and rear ended a lady.
[19] Q: Did the air bag deploy?
[20] A: No air bags.
[21] MR. HEALEY: I assume both of
[22] you were in cars?
[23] THE WITNESS: Yes.
[24] MR. HEALEY: Sorry, I didn't
[25] mean to cut you off.

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(1) **Roderick**
(2) Q: Was anybody injured?
(3) A: The lady at the time, no. Later on
(4) she said she was complaining of back pains.
(5) Q: Any insurance claims made in
(6) connection with that?
(7) A: She had complained about back pain
(8) afterwards, but from what I understand, according
(9) to the police report, she indicated that I hit her
(10) and ran. And a couple minutes later, down a
(11) couple of sentences, she knew my name and my
(12) driver's license number.
(13) So as to what happened, I don't
(14) know.
(15) Q: No lawsuits?
(16) MR. HEALEY: That you know of?
(17) A: None that I know of.
(18) Q: Tell me about the second accident.
(19) MR. HEALEY: Did he get hurt?
(20) You never asked him that.
(21) MR. UNGER: I asked him did
(22) anybody get hurt.
(23) Q: Did you get hurt?
(24) A: Shook up, normal thing for anybody.
(25) Q: Tell me about the second accident.

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(1) **Roderick**
(2) A: Pulling out of the bank, I had a
(3) lady hit my front end.
(4) Q: When was this?
(5) A: '98.
(6) Q: What time of year?
(7) A: It was the fall.
(8) Q: Were you injured in that accident?
(9) A: No, I was not.
(10) Q: Shaken up again?
(11) A: It wasn't, I wouldn't say shaken up.
(12) Surprised.
(13) Q: Who hit who?
(14) A: She hit me.
(15) Q: Was she injured?
(16) A: No.
(17) Q: Did you bring a claim in connection
(18) with that?
(19) A: No.
(20) She dented my hub cap.
(21) Q: After the first accident in 1995,
(22) did you experience any problems after you got back
(23) into a car?
(24) A: No.
(25) Q: No trepidation about driving?

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(1) **Roderick**
(2) A: No.
(3) Q: No problems in terms of when it was
(4) bad weather, there was snow, ice, sand?
(5) A: Just took my time.
(6) Q: Following the first time you went
(7) fishing with your father, May of 2004 after the
(8) collision, did you continue to go with him on a
(9) regular basis?
(10) A: Again, I had no choice.
(11) Q: What do you mean by that?
(12) A: I had to pay my way.
(13) Q: So did you fish every day with your
(14) father?
(15) A: Yes.
(16) Q: Again, four or five hours a day,
(17) roughly?
(18) A: Yes. Short trips.
(19) Q: Same area that you described before?
(20) A: Yes.
(21) Q: At that time, was Ms. Green living
(22) with you?
(23) MR. HEALEY: This is after the
(24) accident when he was fishing.
(25) A: At that point in time, no, she was

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(1) **Roderick**
(2) not.
(3) Q: When did she move in with you?
(4) A: A year and a half ago, a year ago.
(5) Q: After your son had been born?
(6) A: Yes.
(7) Q: Do you put any blame on the events
(8) of May 22, 2004 for your relationship with
(9) Ms. Green ceasing in terms of her being your
(10) girlfriend, as you described before?
(11) A: Do I blame her for the accident?
(12) Q: Do you blame the accident for the
(13) fact that she is no longer your girlfriend?
(14) MR. HEALEY: Do you
(15) understand?
(16) Did those events have any
(17) impact on her relationship, is that
(18) what you are looking for?
(19) MR. UNGER: Right.
(20) MR. HEALEY: The question is
(21) did those events of May 22nd.
(22) Q: Did the collision have any impact on
(23) your relationship with Ms. Green?
(24) A: It put a strain on it, yes.
(25) Q: Tell me how.

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(1) *Roderick*
 (2) A: I mean, I was snappy. This time I
 (3) would get a flashback and she was like "yes, yes,
 (4) so what?"
 (5) Instead of being able to sit down
 (6) and talk, now it's everything just gets bottled
 (7) up. It's like Mount St. Helena blowing.
 (8) Q: Anything else?
 (9) A: If you want to get technical.
 (10) MR. HEALEY: He is not asking
 (11) you for technical.
 (12) A: Love life just sucks.
 (13) Q: Can you characterize your
 (14) relationship with Ms. Green as of May 21, 2004?
 (15) A: We were good. We could tolerate
 (16) staying in each other's sight, we were getting
 (17) along good.
 (18) MR. HEALEY: That's an answer,
 (19) unless you have got a lot more.
 (20) Q: Anything else?
 (21) A: At that point in time, we used to
 (22) get along.
 (23) Q: How long had you known Ms. Green
 (24) prior to May 22, 2004?
 (25) A: Two years.

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(1) *Roderick*
 (2) Q: How did you come to meet?
 (3) A: I met her when I was younger. We
 (4) would hang out at the same dance club.
 (5) Q: You met her at the dance club?
 (6) A: I really wouldn't say I met her
 (7) there, but I knew of her from there. Like two
 (8) years beforehand we met up again.
 (9) Q: Have you ever been married?
 (10) A: No.
 (11) Q: Any other children?
 (12) A: Just Brooyee.
 (13) Q: Have you fished regularly ever since
 (14) you went back about a week after with your father?
 (15) A: Yes.
 (16) Q: You mentioned flashbacks before.
 (17) How often do you have these
 (18) flashbacks now?
 (19) A: I can walk from one end of the
 (20) driveway to the other and have one, just the whole
 (21) thing of the impact, running down the sides,
 (22) sitting in the life raft, to getting picked up.
 (23) Sometimes there's days, I have the
 (24) ones, there's other times it's just constantly
 (25) replays.

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(1) *Roderick*
 (2) Q: When do you typically have these
 (3) flashbacks now?
 (4) A: I will be honest. Yesterday I was
 (5) seeing them. I have seen them a couple of times
 (6) today.
 (7) Q: Because we have been talking about
 (8) this case for two days now and you met with your
 (9) attorneys and Mike and Kirsten earlier in the week
 (10) to go over the case.
 (11) So putting aside this week, which
 (12) has been, would you agree, an extraordinary week
 (13) in terms of talking about and thinking about this
 (14) case?
 (15) A: If I go down to the waterfront, I
 (16) will see it.
 (17) Q: Let me ask you, except for the fact
 (18) that you are having your deposition taken today,
 (19) on a typical week, you normally don't talk to the
 (20) lawyers and you don't talk to Mike and Kirsten
 (21) about the collision.
 (22) Is that fair to say?
 (23) A: If I'm not talking about it?
 (24) Q: Yes.
 (25) A: I do still see it.

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(1) *Roderick*
 (2) Q: So how often a month ago, how often
 (3) on a day or a week basis will you have flashbacks?
 (4) A: Maybe two or three times a day.
 (5) Some days, it's just one of these that if your
 (6) mind is active about something, like you are
 (7) sitting there playing with my son, it will be
 (8) fine, but if I stop, something will almost like
 (9) trigger it.
 (10) Q: What triggers it?
 (11) A: That I don't know.
 (12) Q: What kind of things in the
 (13) environment or words or pictures, whatever it is,
 (14) causes you to have these flashbacks?
 (15) A: It's almost like when you relax,
 (16) it's not something — it's not like somebody says
 (17) boat and it triggers it. It's when, almost when
 (18) I'm relaxed, it will come back.
 (19) Q: Do you drink alcohol?
 (20) A: I gave it up.
 (21) Q: When did you give it up?
 (22) A: '96, '97.
 (23) Q: Back in 2004, after the incident,
 (24) did you have more flashbacks then than you do now,
 (25) less, the same?